

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows

Municipal and Private Corporations: House Bills Nos. 196, 1032; Senate Bills Nos. 438 and 439.

Game and Fisheries: House Bills Nos. 440 and 995.

Interstate Cooperation: Senate Bill No. 41.

School Districts: House Bills Nos. 1028 and 1036.

Appropriations: House Bill No. 993.

Livestock and Stock Raising: House Bill No. 900.

Judiciary: House Bill No. 1008.

Constitutional Amendments: House Joint Resolution No. 42.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 978, "An Act amending House Bill No. 11, Acts of the Regular Session, Forty-sixth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 484, "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-fifth Legislature, 1937, Regular Session, page 644, Chapter 315, Section 1, as amended by Acts of the Forty-fifth Legislature, 1937, Regular Session, page 204, Chapter 108, Section 1, as amended by Acts of the Forty-fifth Legislature, 1937, Regular Session, page 795, Chapter 389, Section 1, by adding a new Section to be known as Article 2687e,

prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than thirty-seven thousand, five hundred (37,500) and not more than thirty-eight thousand, six hundred (38,600), according to the last preceding Federal Census and each succeeding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SIXTY-FIFTH DAY

(Monday, May 1, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Colquitt
Allen	Colson, Mrs.
Allison	Cornett
Alsup	Corry
Anderson	Crossley
Bailey	Daniel
Baker	Davis of Jasper
of Fort Bend	Davis of Upshur
Baker of Grayson	Dean
Bell	Derden
Blankenship	Dickison
Boethel	Dickson
Bond	Donaghey
Boyd	Dowell
Boyer	Dwyer
Bradbury	Faulkner
Bradford	Felty
Bridgers	Ferguson
Broadfoot	Fielden
Brown of Cherokee	Fuchs
Brown	Galbreath
of Nacogdoches	Gilmer
Bundy	Goodman
Burkett	Gordon, Mrs.
Burney	Hale
Cauthorn	Hamilton
Celaya	Hankamer
Chambers	Hardeman
Clark	Hardin
Cleveland	Harp
Cockrell	Harper

Harrell of Bastrop	Pevehouse
Harrell of Lamar	Piner
Harris	Pope
Hartzog	Ragsdale
Heflin	Reader of Bexar
Holland	Reader of Erath
Howard	Reaves
Howington	Reed
Hull	Rhodes
Hunt	Riviere
Isaacks	Roach
Johnson of Ellis	Roberts
Johnson of Tarrant	Robinson
Keith	Russell
Kennedy	Schuenemann
Kern	Segrist
Kerr	Shell
Kersey	Skiles
Kinard	Smith of Frio
King	Smith of Hopkins
Langdon	Smith
Lehman	of Matagorda
Leonard	Spencer
Leyendecker	Stinson
Little	Stoll
Lock	Talbert
Loggins	Tarwater
London	Taylor
Mays	Tennant
McAlister	Thornberry
McDaniel	Thornton
McDonald	Turner
McFarland	Vale
McMurry	Vint
McNamara	Waggoner
Mohrmann	Weldon
Monkhouse	Wells
Montgomery	Westbrook
Morris	White
Newell	Wilson
Nicholson	Winfree
Oliver	Wood
Pace	Worley
Petsch	Wright

Absent—Excused

Bray	Voigt
Coleman	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, it is by Thy mercy that we are brought to another day of great opportunity. We realize that on every hand are many tokens of Thy love and grace, and we are humbled and led to feel our dependence upon Thee. Though we forsake Thee yet wilt Thou heal our backslidings and use us for purposes of Thine own choosing. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Coleman for today, on motion of Mr. Taylor.

Mr. Voigt for today, on motion of Mr. Riviere.

Mr. Bray for today, on motion of Mr. McMurry.

The following Member was granted leave of absence on account of illness:

Mr. Daniel temporarily for today, on motion of Mr. Langdon.

EXPRESSING APPRECIATION OF MEMBERS OF THE HOUSE

Mr. Hartzog offered the following resolution:

H. S. R. No. 254, Expressing appreciation of Members of the House.

Be it resolved by the House of Representatives of the Forty-sixth Legislature of the State of Texas, That we extend our sincere thanks and appreciation to the Salesmanship Club of Houston for the splendid entertainment provided for the Members of the Legislature, and other State officials, at the Gridiron Dinner on April 29, 1939; and that we further extend our unanimous thanks to the Hon. J. M. West and other distinguished citizens of Houston whose generosity made it possible for the Legislature to enjoy the occasion. The success of that enjoyable affair was evidenced by those attending, and their reception thereof. This Gridiron Dinner will take its place as one of the most outstanding events in our memories; be it further

Resolved, That an engrossed copy of this resolution be forwarded to the president of the Salesmanship Club, to the Hon. J. M. West, and to such others of the Steering Committee who so successfully managed this impressive affair.

HARTZOG,
THORNTON,
LITTLE,
HULL.

The resolution was read second time.

Signed—Morse, Speaker; Allen Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray,

Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Heflin, Holland, Howard, Howington, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Boyer, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

EXTENDING INVITATION TO GOVERNOR W. LEE O'DANIEL

Mr. Winfree offered the following resolution:

H. S. R. No. 255, Extending invitation to Governor W. Lee O'Daniel.

Whereas, On Sunday, May 14th, the State of Texas and the United States of America will again pause to pay tribute to the mothers of our State and Nation; and

Whereas, The Hon. W. Lee O'Daniel on each Sunday morning conducts a broadcast which carries a message of inspiration to the people of our great State; now, therefore, be it

Resolved by the House of Representatives, That his Excellency, the Governor, be invited to conduct his

broadcast of Sunday, May 14th, in the Hall of the House of Representatives, and that he be requested to dedicate his program on that occasion to the mothers of the State of Texas and the United States of America; be it further

Resolved, That the Senate of the State of Texas be invited to attend this broadcast, and that the Chief Clerk of the House be instructed to forward a copy of this resolution to that Honorable Body and to his Excellency, Governor W. Lee O'Daniel.

The resolution was read second time, and was adopted.

MEMORIALIZING CONGRESS IN REGARD TO PUBLIC RE- LIEF AGENCIES

Mr. Harrell of Lamar offered the following resolution:

H. C. R. No. 119, Memorializing Congress in regard to Public Relief Agencies.

Whereas, It is currently reported by the press that the National Congress and the administrative heads of departments for relief work, and other relief agencies of the Federal Government are anticipating reducing such work relief, and/or other relief agencies, and reducing the number of persons eligible for such relief; and

Whereas, Through the Works Progress Administration, the Public Works Administration, the National Youth Administration, the Civilians' Conservation Corps, Agricultural Adjustment Act, the National Finance Corporation, and other agencies of the Government, relief has come by such aid to a great number of people in the past who would otherwise have suffered in loss of property and sustenance for themselves and their families; and

Whereas, There are at this time an estimated 10 to 12 million unemployed employable persons in the United States; and

Whereas, There are at least five hundred thousand (500,000) such persons residing in Texas; and

Whereas, The National Government should in some manner, and by some means effect and provide reasonable employment for such persons, until industry and the system of balances in this country have been brought into parity; and

Whereas, Such system will eventually be so developed; and

Whereas, Until such time, unless the Federal Agencies of government take the lead and provide some means of employment that will insure temporary aid to the unemployed in this country, great suffering and disastrous results physically, socially and economically will follow; and

Whereas, Destitution, hunger and the attendant discomforts thereof are not conducive of sound balances of government, and tend to create dissatisfaction, discord and lack of harmony among the citizens; and

Whereas, These conditions have been brought about by a combination of circumstances, for which the unemployed employables of this country are not responsible, and through no fault of their own, are deprived of equal opportunities in the pursuit of life, liberty and happiness; now, therefore be it

Resolved, That the House of Representatives of the State of Texas, the Senate concurring, memorialize the National Congress to be careful and considerate in the formation and reformation of laws, rules and regulations relative to these public relief agencies, to the end that an opportunity to earn an honest livelihood in the greatest Democratic Government in the world, be recognized and supplied; and that no laws or regulations be passed that will not fully and adequately take into consideration the dire distress, discomfort and deprivation that will follow, unless proper relief measures are continued in force at this time; and, be it further

Resolved, That a copy of this resolution, under the seal of the Chief Clerk, be sent to each Congressman from Texas, and that a copy be sent to Senators Morris Sheppard and Tom Connally, and it is so resolved.

The resolution was read second time.

Mr. Petsch moved that the resolution be referred to the Committee on State Affairs.

Mr. Harrell of Lamar moved to table the motion to refer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—45

Allison	Kennedy
Bailey	Kern
Blankenship	Little
Boyer	Lock
Bradbury	Loggins
Bridgers	Mays
Broadfoot	McMurry
Brown	Newell
of Nacogdoches	Oliver
Cauthorn	Pace
Chambers	Pevehouse
Cornett	Reader of Bexar
Derden	Reader of Erath
Dwyer	Reaves
Faulkner	Roach
Fielden	Russell
Galbreath	Segrist
Hardin	Skiles
Harrell of Lamar	Smith of Frio
Harris	Stoll
Holland	Vint
Hull	Westbrook
Johnson of Ellis	Wright

Nays—78

Allen	Harrell of Bastrop
Alsup	Heflin
Baker	Hunt
of Fort Bend	Isaacks
Bell	Johnson of Tarrant
Boethel	Kerr
Bond	Kersey
Boyd	King
Bradford	Langdon
Brown of Cherokee	Lehman
Bundy	Leyendecker
Burney	London
Celaya	McAlister
Clark	McDonald
Cleveland	McFarland
Cockrell	McNamara
Colson, Mrs.	Mohrmann
Crossley	Monkhouse
Daniel	Montgomery
Davis of Jasper	Morris
Davis of Upshur	Petsch
Dickson	Piner
Dickson	Reed
Donaghey	Rhodes
Dowell	Riviere
Felty	Roberts
Ferguson	Robinson
Fuchs	Smith of Hopkins
Gordon, Mrs.	Smith
Hale	of Matagorda
Hamilton	Spencer
Hankamer	Talbert
Hardeman	Tarwater
Harp	Taylor
Harper	Tennant

Thornberry	Wells
Thornton	White
Turner	Wilson
Waggoner	Winfree
Weldon	Wood

Absent

Anderson	Kinard
Baker of Grayson	Leonard
Burkett	McDaniel
Colquitt	Nicholson
Corry	Pope
Dean	Ragsdale
Gilmer	Schuenemann
Goodman	Shell
Hartzog	Stinson
Howard	Vale
Howington	Worley
Keith	

Absent—Excused

Bray	Voigt
Coleman	

Question then recurring on the motion to refer the resolution to the Committee on State Affairs, it prevailed.

RECALLING SENATE BILL NO. 70 FROM THE GOVERNOR

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 42, Recalling Senate Bill No. 70 from the Governor.

Whereas, Senate Bill No. 70 has been passed by the Legislature and is now with the Governor; and

Whereas, It appears that the caption of said bill was not properly amended; now therefore, be it

Resolved by the Senate of Texas, and the House of Representatives concurring, That the Governor is hereby requested to return to the House of Representatives said Senate Bill No. 70 and the Speaker of the House and President of the Senate be authorized to erase their names therefrom and the Enrolling Clerk of the Senate be and is hereby instructed to withdraw her certificate therefrom.

The resolution was read second time, and was adopted.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Gilmer offered the following resolution:

H. C. R. No. 122, To grant O. L. Neyland permission to sue the State.

Whereas, On or about April 18, 1937, O. L. Neyland entered into a contract with the State of Texas and the Highway Commission of the State of Texas for the construction and improvement of a certain portion of the State Highway in Kerr County, Texas, known as Federal Aid Project No. 405, reopen Unit III, said Project to be constructed under the direction and supervision of the State Highway Commission; and

Whereas, The said O. L. Neyland alleges that by reason of failure and/or refusal on the part of the said Highway Commission, and its engineers, to comply with the terms of said contract, he suffered serious financial losses for which he has never received payment, which losses he claims to have suffered by reason of the failure and/or refusal on the part of the State, through its engineers, to comply with the provisions of the contract; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said O. L. Neyland, his agents, heirs, or legal representatives, be and they are hereby granted permission to bring suit against the State of Texas in a court of competent jurisdiction in Kerr County, Texas, to determine what compensation, if any, he is entitled to receive by reason of damages resulting to him from the alleged non-performance or breach of the contract between him and the Highway Commission of the State of Texas, and that such suit may be filed at any time within two years after the adoption of this resolution and shall be tried and determined under the Constitution and laws of this State in the same manner as if the State were any other resident party defendant. For the purpose of this suit, service of citation or other necessary processes may be had upon the State Highway Engineer and the Attorney General of the State of Texas.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

MESSAGE FROM THE SENATE

Austin, Texas, April 27, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has

refused to concur in House amendments to Senate Bill No. 9, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed, on the part of the Senate: Senators Hardin, Metcalfe, Lanning, Burns and Lemens.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 92.

The following have been appointed, on the part of the Senate: Senators Head, Martin, Graves, Roberts and Moffett.

The Senate has concurred in House amendments to Senate Bill No. 367 by the following vote: Yeas, 28; Nays, 0.

Adopted Conference Committee Report on Senate Bill No. 370 by the following vote: Yeas, 28; Nays, 0.

The Senate has concurred in House amendments to Senate Bill No. 283 by the following vote: Yeas, 28; Nays, 0.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 95.

The following have been appointed, on the part of the Senate: Senators Small, Brownlee, Stone of Galveston, Shivers and Van Zandt.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 688 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts

of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Tarwater, and substitute amendment by Mr. Keith for the amendment by Mr. Tarwater, and point of order by Mr. Hankamer, that the substitute amendment is not in order at this time, pending.

Mr. Hankamer withdrew the pending point of order.

Mr. Tarwater (by unanimous consent) offered the following amendment to the amendment offered by himself:

Amend Tarwater substitute for House Bill No. 688, by striking out Subsection (4) of Section (g) as printed on page 2551 of the House Journal for Monday, April 24, and inserting in lieu thereof the following:

"(4) Upon the passage of this Act the Board of County and District Road Indebtedness shall determine the total amount which each county or defined road district has paid since January 1, 1933, toward its debt service upon bonds which, at the time of such payment, were eligible to participate in the County and Road District Highway Fund and said Board shall set up such amount as a credit to each said county or defined road district and said Board shall, as soon thereafter as is practicable, pay in cash to each county or defined road district its pro rata portion of any excess moneys in said fund over and above current and immediate future needs, and said Board shall continue such pro rata cash payments from such excesses semi-annually on February first, and August first, until the credit determined as above prescribed shall have been paid in full; provided, that if such payments by any county or defined road district shall have been made upon indebtedness which has not yet been retired in full, the said Board may make adjustments for such payments by increasing the per-

centage of such indebtedness which shall thereafter participate in the County and Road District Highway Fund. Nothing in this Section shall apply in so far as the said Board has previously made adjustments for such payments by any county or defined road district."

The amendment was adopted.

(Mr. Leonard in the Chair.)

Mr. Smith of Frio (by unanimous consent) offered the following amendment to the amendment by Mr. Tarwater:

Amend substitute amendment to House Bill No. 688, Section (1) of Section G, of Section 7, page 6, by striking out the following words:

"Such construction or maintenance shall be done under the general supervision of the State Highway Department, and all such work shall be done in accordance with rules and regulations promulgated by the State Highway Commission, such rules and regulations to be administered, for the convenience of the counties by the district engineers of the State Highway Department for the respective State Highway Department districts. The State Highway Commission is hereby empowered to promulgate and publish to the counties adequate and proper rules governing the construction or maintenance of county lateral roads where such State funds are employed. All county lateral roads constructed, reconstructed or maintained from State funds made available under the terms of this Act shall be maintained by the county in a manner which in the judgment of the State Highway Commission is adequate to serve the needs of the traffic thereon, and for the failure of any county to maintain such lateral roads as hereinbefore provided, such county shall be denied further participation in the County Lateral Road Fund until such time as the maintenance of such lateral roads by the county shall have met the requirements of the State Highway Commission."

SMITH of Frio,
HANKAMER,
WHITE,
RHODES,
VALE,
SMITH of Matagorda,
SHELL,
WILSON,
HARRELL of Bastrop,

TURNER,
LEHMAN,
LANGDON,
BOETHEL,
LEYENDECKER,
SCHUENEMANN,
BRIDGERS.

(Speaker in the Chair.)

The amendment was adopted.

Mr. Smith of Frio (by unanimous consent) offered the following amendment to the amendment by Mr. Tarwater:

Amend substitute amendment to House Bill No. 688, Section (1) of Section G of Section 7, page 7, paragraph 3, by striking out the following words:

"And by the State Highway Engineer."

SMITH of Frio,
HANKAMER,
WHITE,
RHODES,
VALE,
SMITH of Matagorda,
SHELL,
WILSON,
HARRELL of Bastrop,
TURNER,
LANGDON,
BRIDGERS,
BOETHEL,
LEYENDECKER,
SCHUENEMANN,
LEHMAN.

The amendment was adopted.

(Mr. Leonard in the Chair.)

Mr. Hankamer (by unanimous consent) offered the following amendment to the amendment by Mr. Tarwater:

Amend Tarwater substitute for House Bill No. 688, on page 2, by striking out Section 7 (a) of Section 3, and by inserting in lieu thereof, the following:

"Sec. 7 (a) All bonds, warrants or other evidence of indebtedness heretofore issued by counties or defined road districts of the State, in so far as amounts of same were issued for, and the proceeds have been actually expended in the construction of roads, including expenditures for right-of-ways, that constituted and comprised a part of the system of designated State highways on September 17, 1932, or which subsequent to such date, and prior to January 1, 1939, have been designated a part of the system of State highways, or any

road that heretofore has constituted a part of said system, and which has been or may be changed, relocated or abandoned, whether said indebtedness is now evidenced by the obligations originally issued or by refunding obligations or both, shall be eligible to participate as of January 1, 1933, in the distribution of the moneys coming into said County and Road District Highway Fund subject to the provisions of this Act; provided that such indebtedness, the proceeds of which have been expended in the construction of roads, including expenditures for right-of-ways, which have been designated as a part of the State highway system after September 17, 1932, and prior to January 1, 1939, shall participate in said County and Road District Highway Fund as of that date of the designation of said road as a part of the State system; provided further, that any participation in said fund by all counties and defined road districts shall be less the amount of the sinking funds which were required to be accumulated in such funds of the respective counties and defined road districts under the provisions of the Statutes and order of the Commissioners' Court authorizing the issuance of said eligible obligations, and the tax levy authorized at the time of issuance thereof, for the time such obligations have run or may have run, regardless of whether the full amount of said funds are or may be actually on hand and to the credit of the sinking funds of the several counties and defined road districts. It being expressly provided in this connection that the term 'sinking funds' shall include only those funds required under law for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any county or defined road district above the legal requirements. The amount of such eligible indebtedness shall be determined as hereinafter provided. Provided further, that no State funds created or provided for by the terms of this Act, shall be expended in the payment of any interest maturing on the amount of sinking funds required by the terms of this Act to be accumulated by the county or defined road district at the date of eligibility of its obligations. In the event the State Highway Commission has, on a date prior to September 17, 1932, in-

indicated its intention of designating as State highways the public roads of any county or defined road district in this State, and has recorded such intention in its official records, then the provisions of this Act shall apply as if the said roads had actually been designated prior to September 17, 1932."

The amendment was adopted.

Mr. Petsch (by unanimous consent) offered the following amendment to the amendment by Mr. Tarwater:

Amend Tarwater substitute to House Bill No. 688, page 5, line 54, of the mimeographed copy, by striking out the words and figures:

"33 1/3 per cent thereof on the basis of the population of each county according to the last preceding Federal Census; 33 1/3 per cent thereof upon the basis of the mileage of public county lateral roads in each county as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department; and 33 1/3 per cent thereof upon the basis of the area of each county," and insert in lieu thereof the following: "one-tenth (1/10) thereof upon the basis of area, determined by the ratio of the area of the county to the total area of the State; two-tenths (2/10) thereof upon the basis of population according to the last preceding Federal Census, determined by the ratio of the population of the county to the total population of the State; three-tenths (3/10) thereof upon the basis of the number of motor vehicles registered during the last preceding fiscal year, determined by the ratio of the number of such vehicles registered in the county to the total number registered in the State; as shown by the official report of the State Highway Department, four-tenths (4/10) thereof upon the basis of lateral road mileage, determined by the ratio of the mileage of lateral roads in the county to the total mileage of lateral roads in the State as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department."

(Speaker in the Chair.)

Mr. Gilmer moved to table the amendment by Mr. Petsch.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—52

Allen	King
Allison	Lehman
Bailey	Leyendecker
Boethel	Little
Bond	London
Boyer	McMurry
Brown	Mohrmann
of Nacogdoches	Monkhouse
Bundy	Newell
Cauthorn	Oliver
Chambers	Pevehouse
Clark	Ragsdale
Cornett	Reader of Erath
Dean	Reaves
Donaghey	Roberts
Fuchs	Robinson
Gilmer	Smith of Frio
Goodman	Smith
Hardeman	of Matagorda
Hardin	Tarwater
Harp	Thornton
Harrell of Bastrop	Turner
Harris	Vale
Howington	Vint
Hull	Westbrook
Hunt	Worley
Isaacks	Wright

Nays—81

Alsup	Hamilton
Anderson	Hankamer
Baker	Harper
of Fort Bend	Harrell of Lamar
Baker of Grayson	Hartzog
Bell	Heflin
Blankenship	Holland
Boyd	Howard
Bradbury	Johnson of Ellis
Bradford	Johnson of Tarrant
Bridgers	Keith
Broadfoot	Kennedy
Brown of Cherokee	Kern
Burkett	Kerr
Burney	Kersey
Celaya	Langdon
Cockrell	Lock
Colquitt	Mays
Corry	McAlister
Crossley	McDaniel
Davis of Jasper	McDonald
Davis of Upshur	McFarland
Derden	McNamara
Dowell	Montgomery
Faulkner	Morris
Felty	Nicholson
Ferguson	Pace
Galbreath	Petsch
Gordon, Mrs.	Piner
Hale	Pope

Reader of Bexar	Stoll
Reed	Talbert
Rhodes	Taylor
Riviere	Tennant
Roach	Thornberry
Russell	Waggoner
Segrist	Weldon
Skiles	Wells
Smith of Hopkins	White
Spencer	Wilson
Stinson	Wood

Absent

Cleveland	Kinard
Colson, Mrs.	Leonard
Dickison	Loggins
Dickson	Schuenemann
Dwyer	Shell
Fielden	Winfree

Absent—Excused

Bray	Daniel
Coleman	Voigt

(Mr. Leonard in the Chair.)

Mr. Smith of Frio offered the following substitute for the amendment by Mr. Petsch:

Amend Petsch amendment to the Tarwater substitute bill No. 688, page 5, line 54, of the mimeographed copy by striking out the words and figures:

"33 1/3 per cent thereof on the basis of the population of each county according to the last preceding Federal Census; 33 1/3 per cent thereof upon the basis of the mileage of public county lateral roads in each county as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department; and 33 1/3 per cent thereof upon the basis of the area of each county," and insert in lieu thereof the following:

"Three-tenths (3/10) thereof upon the basis of area, determined by the ratio of the area of the county to the total area of the State; two-tenths (2/10) thereof upon the basis of population according to the last preceding Federal Census, determined by the ratio of the population of the county to the total population of the State; one-tenth (1/10) thereof upon the basis of the number of motor vehicles registered during the last preceding fiscal year, determined by the ratio of the number of such vehicles registered in the county to the total

number registered in the State; as shown by the official report of the State Highway Department, four-tenths (4/10) thereof upon the basis of lateral road mileage, determined by the ratio of the mileage of lateral roads in the county to the total mileage of lateral roads in the State as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department."

Question—Shall the substitute amendment by Mr. Smith of Frio be adopted?

BILL RE-REFERRED

Mr. Vint moved that House Bill No. 1035 be withdrawn from the Committee on Judiciary, and referred to the Committee on Criminal Jurisprudence.

The motion prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 1, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 114, Authorizing the Texas Livestock Sanitary Commission to sell and dispose of certain fence.

H. C. R. No. 115, Inviting the Quadrennial Convention to meet in the State of Texas in May, 1943.

H. C. R. No. 116, Instructing the Enrolling Clerk of the House to correct House Bill No. 84.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILLS ON FIRST READING

Mr. Galbreath asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1037.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Galbreath:

H. B. No. 1037, A bill to be entitled "An Act amending Section 2, of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legisla-

ture, Fourth Called Session, as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, as amended by Chapter 284, Acts of the Forty-fifth Legislature, Regular Session, as amended by Chapter 391, Acts of the Forty-fifth Legislature, Regular Session, by providing that in counties with a taxable valuation of not less than Fifty-one Million, One Hundred Thousand (\$51,100,000) Dollars, nor more than Fifty-one Million, Four Hundred Thousand (\$51,400,000) Dollars, taxable valuation for county purposes according to the valuation as shown on the County Tax Assessor-Collector's rolls for the current year of 1938, the Justices of the Peace and Constables shall be allowed to retain out of the fees collected by such officers the sum of Thirty-six Hundred (\$3,600) Dollars per annum, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Alsop asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1038.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Alsop:

H. B. No. 1038, A bill to be entitled "An Act making an appropriation for the Texas Relief Commission, and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Galbreath moved to introduce, at this time, and have placed on first reading, House Bill No. 1039.

The motion prevailed by the following vote:

Yeas—112

Allison	Bond
Alsop	Boyer
Anderson	Bradbury
Bailey	Bradford
Baker	Broadfoot
of Fort Bend	Brown of Cherokee
Baker of Grayson	Brown
Blankenship	of Nacogdoches
Boethel	Bundy

Burkett	London
Burney	Mays
Cauthorn	McDaniel
Chambers	McDonald
Clark	McFarland
Cleveland	McMurry
Cockrell	McNamara
Colson, Mrs.	Mohrmann
Cornett	Monkhouse
Crossley	Montgomery
Davis of Jasper	Morris
Davis of Upshur	Oliver
Derden	Pace
Dickson	Petsch
Donaghey	Pevehouse
Dowell	Piner
Faulkner	Pope
Felty	Reader of Bexar
Ferguson	Reader of Erath
Galbreath	Reaves
Gilmer	Reed
Gordon, Mrs.	Riviere
Hale	Roberts
Hamilton	Robinson
Hankamer	Russell
Hardin	Segrist
Harp	Shell
Harper	Smith of Hopkins
Harrell of Lamar	Smith
Harris	of Matagorda
Hartzog	Spencer
Holland	Stinson
Howard	Talbert
Howington	Taylor
Hunt	Tennant
Isaacks	Thornton
Johnson of Ellis	Turner
Johnson of Tarrant	Vale
Keith	Vint
Kennedy	Waggoner
Kern	Weldon
Kerr	Wells
Kersey	Westbrook
King	White
Langdon	Wilson
Lehman	Wood
Leyendecker	Worley
Lock	Wright
Loggins	

Nays—9

Allen	Roach
Boyd	Skiles
Colquitt	Stoll
Harrell of Bastrop	Thornberry
Newell	

Absent

Bell	Dickison
Bridgers	Dwyer
Celaya	Fielden
Corry	Fuchs
Dean	Goodman

Hardeman	Ragsdale
Heflin	Rhodes
Hull	Schuenemann
Kinard	Smith of Frio
Little	Tarwater
McAlister	Winfree
Nicholson	

Absent—Excused

Bray	Daniel
Coleman	Voigt

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Galbreath:

H. B. No. 1039, A bill to be entitled "An Act providing that the date for the execution of a person sentenced to death shall not be fixed so as to fall upon a Friday, and providing that in the event the date of the execution is fixed so as to fall upon a Friday, the execution of the sentence be postponed to the following day, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Reaves asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1040.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Reaves:

H. B. No. 1040, A bill to be entitled "An Act making an appropriation of Three Thousand (\$3,000.00) Dollars, or so much thereof as may be necessary to aid and facilitate the work to be performed by the Lower Concho River Water and Soil Conservation Authority; provided that said appropriation shall be a loan to be repaid to the State of Texas out of the first revenues received by said Authority, and declaring an emergency."

Referred to the Committee on Appropriations.

RECESS

On motion of Mr. Smith of Hopkins, the House, at 12:05 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 109, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed, on the part of the Senate: Senators Van Zandt, Brownlee, Stone of Washington, Aikin and Winfield.

Adopted

H. C. R. No. 118, Granting Hon. J. D. Stephenson permission to be absent from the State.

H. C. R. No. 120, Requesting that a certain Battleship be named "The Battleship Texas".

Passed

H. B. No. 224, A bill to be entitled "An Act amending Section 6 of Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new Section to Section 6 to be known as Section 6 (f), by providing for the sale and transfer of contract carrier permits issued under the provisions of this Section of the Act by providing the method and manner of transferring said contract carrier permit, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 688 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 688, relative to the Board of County and District Road Indebtedness, etc., on its passage to engrossment.

The bill having heretofore been read second time, with amendment by Mr. Tarwater, substitute by Mr. Keith for the amendment by Mr. Tarwater, amendment by Mr. Petsch (by unani-

mous consent) to the amendment by Mr. Tarwater, and substitute by Mr. Smith of Frio for the amendment by Mr. Petsch, pending.

Mr. Smith of Frio withdrew the substitute amendment for the amendment by Mr. Petsch.

Mr. Smith of Frio then offered the following substitute for the amendment by Mr. Petsch:

Substitute the Petsch amendment to the Tarwater Substitute Bill No. 688, page 5, line 54, of the mimeographed copy, by striking out the words and figures: "33½ per cent thereof on the basis of the population of each county according to the last preceding Federal Census; 33½ per cent thereof upon the basis of the mileage of public county lateral roads in each county as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department; and 33½ per cent thereof upon the basis of the area of each county", and insert in lieu thereof, the following:

"Two-tenths thereof on the basis of area, determined by the ratio of the area of the county to the total area of the State; two-tenths thereof on the basis of population according to the last preceding Federal Census, determined by the ratio of the population of the county to the total population of the State; two-tenths thereof on the basis of the number of motor vehicles registered during the last preceding fiscal year, determined by the ratio of the number of such vehicles registered in the county to the total number registered in the State; four-tenths thereof on the basis of lateral road mileage, determined by the ratio of the mileage of lateral roads in the county to the total mileage of lateral roads in the State as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department. The money in the lateral road fund to which each county shall be entitled shall be itemized as follows:"

SMITH of Frio,
GILMER.

(Mr. Thornton in the Chair.)

Mr. Keith moved the previous question, on the amendment by Mr. Petsch, and the substitute by Mr. Smith of Frio for the amendment by

Mr. Petsch, and the motion was not seconded.

(Speaker in the Chair.)

Mr. Bond asked unanimous consent of the House, that further consideration of House Bill No. 688 be postponed until 10:30 o'clock a. m., tomorrow, and that same be pending business at that time.

There was no objection offered, and it was so ordered.

MOTION TO SET SENATE JOINT RESOLUTION NO. 12 FOR SPECIAL ORDER

Mr. Brown of Cherokee moved that Senate Joint Resolution No. 12 be set for special order at 2:00 o'clock p. m., tomorrow.

The roll of the House was called, and the vote announced, as follows: Yeas, 93; Nays, 49.

A verification of the vote was requested.

Mr. Reader of Bexar moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—90

Allison	Donaghey
Alsop	Dwyer
Anderson	Felty
Bailey	Ferguson
Baker of Grayson	Fielden
Blankenship	Fuchs
Bond	Galbreath
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hardin
Broadfoot	Harp
Brown of Cherokee	Harper
Brown	Harrell of Bastrop
of Nacogdoches	Harrell of Lamar
Bundy	Hartzog
Burkett	Heflin
Burney	Howington
Celaya	Hull
Chambers	Hunt
Clark	Johnson of Ellis
Cleveland	Johnson of Tarrant
Cockrell	Kennedy
Colquitt	Kersey
Colson, Mrs.	Kinard
Corry	Lehman
Crossley	Leonard
Davis of Jasper	Little
Dean	Lock

McAlister	Russell
McDaniel	Segrist
McDonald	Shell
McFarland	Skiles
McMurry	Smith of Frio
Montgomery	Smith of Hopkins
Nicholson	Smith
Oliver	of Matagorda
Pace	Spencer
Petsch	Stinson
Pevehouse	Taylor
Piner	Thornton
Ragsdale	Turner
Reader of Bexar	Vale
Reader of Erath	Westbrook
Reed	Wilson
Rhodes	Winfree
Roach	Worley

Nays—49

Allen	King
Baker	Langdon
of Fort Bend	Leyendecker
Bell	Loggins
Boethel	Mays
Boyd	McNamara
Bridgers	Mohrmann
Cauthorn	Morris
Cornett	Newell
Davis of Upshur	Pope
Derden	Riviere
Dickison	Roberts
Faulkner	Robinson
Gilmer	Stoll
Goodman	Talbert
Gordon, Mrs.	Tarwater
Hale	Tennant
Hardeman	Thornberry
Harris	Vint
Holland	Waggoner
Howard	Weldon
Isaacks	Wells
Keith	White
Kern	Wood
Kerr	Wright

Absent

Dickson	Monkhouse
Dowell	Reaves
London	Schuenemann

Absent—Excused

Bray	Daniel
Coleman	Voigt

The Speaker announced that the motion to set Senate Joint Resolution No. 12 for special order was lost by the above vote (not receiving the necessary two-thirds vote).

REASON FOR VOTE

Still voting to bring up Senate Joint Resolution No. 12 so as to kill it and get it out of the way, so we can get busy on some real honest tax measure. This thing is a menace until it is killed and buried so deep it can never be revived.

GALBREATH.

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
HOUSE BILL NO. 518

Mr. Monkhouse submitted the following Conference Committee Report on House Bill No. 518:

Austin, Texas, April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on House Bill No. 518, have met and beg leave to recommend that said House Bill No. 518 be passed in the form hereto attached.

Respectfully submitted,

WINFIELD,

PACE,

SMALL,

STONE of Galveston,

REDDITT,

On the part of the Senate.

CORRY,

HARDEMAN,

MONKHOUSE,

SHELL,

On the part of the House.

H. B. No. 518

A BILL

To Be Entitled

An Act making it unlawful for any person to engage in fishing from, or to deposit or leave any dead fish, crabs, or bait upon the road surface or deck of any causeway or bridge, located on any highway being maintained by the State Highway Department, providing certain exceptions; instructing the Highway Department to post signs on all structures affected by the Act; making the violation of this Act a misdemeanor and providing a penalty for violation, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. From and after the effective date of this Act it shall be unlawful for any person to engage in fishing from, or to deposit or leave any dead fish, crabs, or bait upon the road surface or deck of any causeway, or bridge located on any highway which is being maintained by the State Highway Department. Provided that it shall be legal to fish from any section of such structure other than the deck or road surface.

Section 2. Any person who shall violate the terms of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than One (\$1.00) Dollar nor more than Fifty (\$50.00) Dollars.

Section 3. The State Highway Commission, through and by its authorized agents and representatives, is hereby instructed to post signs on every causeway, bridge, or structure affected by this Act.

Section 4. The fact that the practice of fishing from causeways and bridges located on State maintained highways is a great hazard to the welfare of the travelling public and the persons who engage in such fishing creates an emergency and an imperative public necessity demanding that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted.

On motion of Mr. Monkhouse, the Report was adopted.

HOUSE BILL NO. 178 ON THIRD
READING

On motion of Mr. Dwyer, and by unanimous consent, the regular order of business was suspended, to take up, and have placed on its third reading and final passage, House Bill No. 178.

The Speaker then laid before the House, on its third reading and final passage,

H. B. No. 178, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1938, due to the State, any

county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before June 1, 1939; etc., and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—89

Allen	Kennedy
Allison	Kern
Alsup	Lehman
Anderson	Leonard
Bailey	Leyendecker
Baker of Grayson	Little
Bell	Lock
Boethel	Mays
Bradbury	McAlister
Bradford	McDonald
Bridgers	McMurry
Broadfoot	Monkhouse
Brown of Cherokee	Montgomery
Brown of Nacogdoches	Newell
Bundy	Oliver
Burkett	Pace
Burney	Pevehouse
Celaya	Piner
Chambers	Pope
Cleveland	Ragsdale
Cockrell	Reader of Bexar
Colson, Mrs.	Reader of Erath
Cornett	Reaves
Crossley	Reed
Davis of Jasper	Rhodes
Davis of Upshur	Riviere
Dean	Roach
Dickison	Roberts
Dickson	Russell
Dwyer	Segrist
Faulkner	Skiles
Ferguson	Smith of Hopkins
Galbreath	Spencer
Goodman	Stoll
Hamilton	Turner
Hankamer	Vale
Hardin	Voigt
Harrell of Bastrop	Weldon
Holland	Wells
Howington	Westbrook
Hunt	White
Isaacks	Wilson
Johnson of Ellis	Winfree
Johnson of Tarrant	Worley
	Wright

Nays—41

Blankenship	Boyer
Bond	Cauthorn
Boyd	Clark

Colquitt	McFarland
Corry	McNamara
Derden	Mohrmann
Donaghey	Morris
Fuchs	Nicholson
Gilmer	Petsch
Hale	Robinson
Hardeman	Smith
Harp	of Matagorda
Harris	Stinson
Hartzog	Talbert
Heflin	Taylor
Howard	Tennant
Kerr	Thornberry
Kinard	Thornton
King	Vint
Langdon	Waggoner
London	Wood

Absent

Baker	Keith
of Fort Bend	Kersey
Dowell	Loggins
Felty	McDaniel
Fielden	Schuenemann
Gordon, Mrs.	Shell
Harper	Smith of Frio
Harrell of Lamar	Tarwater
Hull	

Absent—Excused

Bray	Daniel
Coleman	

Mr. Hale raised the point of order, that the vote on final passage as announced on House Bill No. 178 was the vote to take the bill up out of its regular order and not final passage of the bill.

The Speaker overruled the point of order, on the ground that unanimous consent was heretofore given to consider the bill.

Mr. Dwyer moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Allen	Brown of Cherokee
Allison	Bundy
Anderson	Burkett
Bailey	Burney
Bell	Chambers
Bradbury	Cleveland
Bradford	Cockrell
Bridgers	Colson, Mrs.
Broadfoot	Crossley

Davis of Upshur	Monkhouse
Dickison	Montgomery
Dwyer	Newell
Faulkner	Oliver
Ferguson	Pace
Goodman	Pope
Hardin	Reader of Erath
Harper	Reed
Hartzog	Rhodes
Holland	Roach
Howington	Roberts
Isaacks	Russell
Johnson of Ellis	Segrist
Johnson of Tarrant	Shell
Kennedy	Skiles
Kern	Smith of Hopkins
King	Spencer
Lehman	Stoll
Leonard	Vale
Leyendecker	Weldon
Little	Wells
Lock	Westbrook
Mays	White
McAlister	Wilson
McDonald	Winfree
McMurry	Worley

Nays—50

Baker of Grayson	Langdon
Blankenship	London
Boethel	McDaniel
Bond	McFarland
Boyd	McNamara
Boyer	Mohrmann
Cauthorn	Morris
Clark	Nicholson
Corry	Petsch
Derden	Piner
Dickson	Ragsdale
Donaghey	Reaves
Fuchs	Riviere
Galbreath	Robinson
Gilmer	Smith
Gordon, Mrs.	of Matagorda
Hale	Stinson
Hankamer	Talbert
Hardeman	Taylor
Harp	Tennant
Harris	Thornberry
Heflin	Thornton
Howard	Vint
Hunt	Waggoner
Kersey	Wood
Kinard	

Absent

Alsup	Cornett
Baker	Davis of Jasper
of Fort Bend	Dean
Brown	Dowell
of Nacogdoches	Felty
Celaya	Fielden
Colquitt	Hamilton

Harrell of Bastrop	Reader of Bexar
Harrell of Lamar	Schuenemann
Hull	Smith of Frio
Keith	Tarwater
Kerr	Turner
Loggins	Wright
Pevehouse	

Absent—Excused

Bray	Daniel
Coleman	Voigt

HOUSE BILL NO. 410 ON PASSAGE
TO ENGROSSMENT

On motion of Mr. Harris, the regular order of business was suspended, to take up, and have placed on its passage to engrossment, House Bill No. 410.

The Speaker then laid before the House, on its passage to engrossment,

H. B. No. 410, A bill to be entitled "An Act to amend Article 4553, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 7, Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 12 of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter 5, Title 12 of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and method of filling vacancies on said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass examination; providing subjects for and method of giving examinations; providing grounds for refusal of and cancellation of any license; prescribing examination fee; prescribing renewal license fee and method of obtaining duplicate licenses; defining terms; specifying acts constituting penal offenses and providing a penalty; repealing Article 4560, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and all laws or parts of laws in conflict with the provisions of this Act; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof, and declaring an emergency."

The bill having been read second time, on April 24, with amendment by Mr. Harris, pending.

Mr. Hardeman offered the following amendments to the amendment by Mr. Harris:

Amend amendment No. 1 to House Bill No. 410, Section 3, by striking out the following language at the bottom of page 3 and top of page 4 of the mimeographed copy:

"The Board shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act. Said action for an injunction shall be in addition to any other action, proceeding or remedy authorized by law", and substituting in lieu thereof:

"The actual practice of optometry in violation of the laws of this State shall be enjoined at the suit of the State. In such suits for injunction it shall not be necessary to show that any person is personally injured by the acts complained of. Any person who may be or is about to be, so unlawfully practicing optometry in this State may be made a party defendant in said suit, which must be filed in the county in which defendant is practicing or threatening to practice optometry. The Attorney General, the District Attorney of the district or the County Attorney of the county in which the unlawful acts complained of are taking place shall have the authority and it shall be their duty and the duty of each of them, to file such suits and to represent the State therein. No injunction, either temporary or permanent, shall be granted by any court in such a suit except after final trial on the merits. If on final trial it be shown that the defendant has been unlawfully practicing optometry or is about to practice optometry unlawfully the court shall, by injunction, perpetually enjoin the defendant from practicing or continuing the practice of optometry in violation of law; and disobedience of said injunction shall subject the defendant to the penalties provided by law for violation of an injunction. The procedure in such cases shall be the same as in any other injunction suit as nearly as may be. The remedy by injunction given hereby shall be in addition to criminal prosecution and cumulative of all other remedies provided for the prevention of the unlawful practice of

optometry. Such causes shall be advanced for trial on the docket of the trial court and shall be advanced and tried in the appellate courts in the same manner and under the same laws and regulations as are applicable to other suits for injunction."

HARDEMAN,
HEFLIN,
ALSUP,
HOWARD.

Amend amendment No. 1 to House Bill No. 410, by striking out all of Section 7, page 6.

HARDEMAN,
HEFLIN,
ALSUP,
HOWARD.

The amendments were severally adopted.

Mr. Heflin offered the following amendment to the amendment by Mr. Harris:

Amend House Bill No. 410, Harris substitute, Section 8, Subsection (j) to hereafter read, as follows:

"(j) That said licensee has split fees derived from professional services; provided this shall not be construed to include the sale of eyeglasses or merchandise."

The amendment was adopted.

Mr. Heflin offered the following amendment to the amendment by Mr. Harris:

Amend House Bill No. 410, Harris substitute, Section 12, Subsection (f) to hereafter read as follows:

"(f) To split fees derived from professional services; provided this shall not be construed to include the sale of eyeglasses or merchandise."

The amendment was adopted.

(Mr. Thornton in the Chair.)

Mr. Heflin offered the following amendment to the amendment by Mr. Harris:

Amend House Bill No. 410, Harris substitute, Section 9, line 13, on page 8 of the mimeographed bill by striking out the word "Ten," and inserting in lieu thereof the word "Five."

The amendment was adopted.

Mr. Heflin offered the following amendment to the amendment by Mr. Harris:

Amend House Bill No. 410, Harris substitute, Section 10, line 11, on page 9 of the mimeographed bill by

striking out the word "Ten," and inserting in lieu thereof the word "Five."

The amendment was adopted.

Mr. Heflin offered the following amendment to the amendment by Mr. Harris:

Amend House Bill No. 410, Harris substitute, Section 8, Subsection (k) to hereafter read, as follows:

"(k) That said applicant or licensee has willfully or repeatedly violated any of the provisions of this Act; provided that it shall not be construed as a violation of this Act for any optometrist to lease space from an establishment on a percentage or gross receipts basis, when such percentage or gross receipts does not include fees derived from professional services."

The amendment was adopted.

Mr. Johnson of Ellis moved the previous question on the amendment by Mr. Harris, and the engrossment of House Bill No. 410, and the motion was not seconded.

Mr. Alsup offered the following amendment to the amendment by Mr. Harris:

Amend Harris substitute to House Bill No. 410, by striking out the word "four," wherever it appears in Section 4, and inserting in lieu thereof, the word "three."

On motion of Mr. Harris, the amendment was tabled.

Mr. Anderson offered the following amendment to the amendment by Mr. Harris:

Amend House Bill No. 410, by adding the following new Section:

"Nothing contained in this Act shall be construed as authority to prohibit the advertising of merchandise, prices or services by any one coming within the restrictions of this Act."

The amendment was adopted.

Mr. Wilson offered the following amendment to the amendment by Mr. Harris:

Amend amendment No. 2 to House Bill No. 410 by adding thereto a new Section to read, as follows:

"Provided, however, that nothing in this law shall be construed to prevent the administrator or executor of the estate of a deceased optometrist from employing a licensed optometrist in the business of such deceased dur-

ing the administration of such estate nor to prevent a licensed optometrist from working for such person during the administration of the estate when the legal representative thereof has been authorized by the County Judge under the provisions of Article 3427 of the Revised Civil Statutes of Texas for 1925 to continue the operation of such business."

WILSON,
GORDON, MRS.

The amendment was adopted.

Mr. Wood offered the following amendment to the amendment by Mr. Harris:

Amend amendment No. 1 to House Bill No. 410, Section 9, by striking out all of the last paragraph in Section 9, and substituting therefor, the following, "all fees which are provided to be charged by virtue of this Act shall be deposited in the State treasury, to the credit of a fund to be known as 'Optometry Registration Fund', and an appropriation from said fund, in an amount which shall not exceed Five Thousand (\$5,000) Dollars per year, and in no case more than the amount on hand in said fund, is hereby made and authorized to pay all salaries, compensations, and other expenses of said Board, or by said Board in the discharge of their duties. Said salaries, compensations, and other expenses shall be paid by drafts drawn for the proper amounts drawn upon said fund and signed by the secretary-treasurer and counter-signed by the president of said Board. If at any time when the books and records of the Board are audited it is found that there is more than Five Thousand (\$5,000) Dollars on hand in the hereinabove named, 'Optometry Registration Fund,' and in the hands of the Board, then all money over and above that total amount, Five Thousand (\$5,000) Dollars, shall be permanently diverted to the General Revenue Fund of this State, and provided, further that no appropriation shall ever be made from the General Revenue Fund of this State for the purpose of paying any expenses made necessary by this Act."

WOOD,
LANGDON.

Mr. Harris moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. Wood, it was adopted.

Mr. Wood offered the following amendment to the amendment by Mr. Harris:

Amend House Bill No. 410, Harris substitute, by adding a new Section at the proper place. The new Section shall read, as follows:

"The provisions of this Act shall not apply to persons who are practicing optometry prior to the passage of this Act."

Mr. Harris moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. Wood, it was adopted.

Mr. McNamara offered the following amendment to the amendment by Mr. Harris:

Amend committee amendment No. 2, to House Bill No. 410, by striking out on page 6 all of Section G.

Mr. Harris moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. McNamara, it was adopted.

Mr. Alsup offered the following amendment to the amendment by Mr. Harris:

Amend Harris substitute to House Bill No. 410, by adding a new Section to read, as follows:

"This Act shall not apply to any person who has had three (3) years of college work prior to June 15, 1939."

Mr. Harris moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. Alsup, it was adopted.

(Speaker in the Chair.)

Mr. Fielden moved that House Bill No. 410 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—23

Broadfoot
Burkett

Crossley
Davis of Upshur

Fielden
Galbreath
Hamilton
Harrell of Lamar
Howington
Hunt
Kern
Lehman
McDaniel
Mohrmann

Oliver
Pace
Roberts
Segrist
Spencer
Stinson
Vint
Weldon
Wood

Nays—103

Allen
Allison
Alsup
Anderson
Bailey
Baker
of Fort Bend
Baker of Grayson
Bell
Blankenship
Boethel
Bond
Boyd
Bradbury
Bradford
Bridgers
Brown of Cherokee
Brown
of Nacogdoches
Bundy
Cauthorn
Chambers
Clark
Cockrell
Colson, Mrs.
Cornett
Corry
Davis of Jasper
Darden
Dickison
Dickson
Donaghey
Dwyer
Faulkner
Ferguson
Fuchs
Gilmer
Goodman
Gordon, Mrs.
Hale
Hankamer
Hardeman
Hardin
Harp
Harper
Harrell of Bastrop
Harris
Hartzog
Heflin
Holland
Howard

Hull
Isaacks
Johnson of Ellis
Johnson of Tarrant
Keith
Kennedy
Kersey
Kinard
King
Langdon
Leyendecker
Little
Lock
Loggins
London
McAlister
McDonald
McMurry
McNamara
Monkhouse
Montgomery
Morris
Newell
Nicholson
Petsch
Pevehouse
Piner
Ragsdale
Reader of Bexar
Reader of Erath
Reed
Rhodes
Riviere
Roach
Robinson
Russell
Smith of Frio
Smith of Hopkins
Smith
of Matagorda
Stoll
Talbert
Taylor
Tennant
Thornberry
Thornton
Turner
Waggoner
Wells
Westbrook
White

Wilson
Winfree

Worley
Wright

Absent

Boyer
Burney
Celaya
Cleveland
Colquitt
Dean
Dowell
Felty
Kerr
Leonard

Mays
McFarland
Pope
Reaves
Schuenemann
Shell
Skiles
Tarwater
Vale

Absent—Excused

Bray
Coleman

Daniel
Voigt

Mr. Reader of Bexar moved the previous question on the amendment by Mr. Harris, and the passage of House Bill No. 410 to engrossment, and the main question was ordered.

Question recurring on the amendment by Mr. Harris, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 410 was then passed to engrossment.

HOUSE BILL NO. 410 ON THIRD READING

Mr. Harris moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 410 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Allen	Brown
Allison	of Nacogdoches
Alsup	Cauthorn
Anderson	Celaya
Bailey	Chambers
Baker	Clark
of Fort Bend	Cleveland
Baker of Grayson	Cockrell
Bell	Colquitt
Boethel	Cornett
Bond	Corry
Boyd	Crossley
Bradbury	Davis of Jasper
Bradford	Derden
Bridgers	Dickison
Brown of Cherokee	Dickson

Donaghey
Faulkner
Ferguson
Fuchs
Galbreath
Gilmer
Hale
Hankamer
Hardeman
Hardin
Harp
Harper
Harrell of Bastrop
Harrell of Lamar
Harris
Hartzog
Heflin
Holland
Howard
Hull
Hunt
Isaacks
Johnson of Ellis
Johnson of Tarrant
Keith
Kennedy
Kersey
Kinard
King
Langdon
Leyendecker
Little
Lock
Loggins
London
McAlister
McDonald
McMurry
Monkhouse
Montgomery
Morris

Newell
Nicholson
Pace
Petsch
Pevehouse
Piner
Pope
Ragsdale
Reader of Bexar
Reader of Erath
Reaves
Reed
Rhodes
Riviere
Roach
Robinson
Russell
Shell
Smith of Frio
Smith of Hopkins
Smith
of Matagorda
Stoll
Talbert
Tarwater
Taylor
Tennant
Thornberry
Thornton
Turner
Vale
Vint
Voigt
Waggoner
Wells
Westbrook
White
Winfree
Wood
Worley
Wright

Nays—20

Blankenship	Lehman
Broadfoot	McDaniel
Bundy	McNamara
Burkett	Mohrmann
Davis of Upshur	Roberts
Fielden	Segrist
Gordon, Mrs.	Spencer
Hamilton	Stinson
Howington	Weldon
Kern	Wilson

Absent

Boyer	Kerr
Burney	Leonard
Colson, Mrs.	Mays
Dean	McFarland
Dowell	Oliver
Dwyer	Schuenemann
Felty	Skiles
Goodman	

Absent—Excused

Bray Daniel
Coleman

The Speaker then laid House Bill No. 410 before the House on third reading and final passage.

The bill was read third time.

Mr. Wilson offered the following amendment to the bill:

Amend committee amendment No. 2 to House Bill No. 410 by striking out on page 7 all of Sections (i) and (j).

WILSON,
GORDON, MRS.,
McNAMARA.

Mr. Faulkner moved the previous question on the amendment by Mr. Wilson, and the final passage of House Bill No. 410, and the main question was ordered.

The amendment by Mr. Wilson was lost by the following vote:

Yeas—55

Anderson	Johnson of Tarrant
Bailey	Kern
Baker	Langdon
of Fort Bend	McDaniel
Bell	McMurry
Boethel	McNamara
Bond	Mohrmann
Broadfoot	Monkhouse
Bundy	Newell
Burkett	Nicholson
Celaya	Pace
Clark	Petsch
Cockrell	Pope
Colquitt	Reaves
Corry	Segrist
Crossley	Stinson
Davis of Upshur	Talbert
Derden	Taylor
Dwyer	Tennant
Galbreath	Vale
Gordon, Mrs.	Vint
Hardin	Voigt
Harrell of Bastrop	Waggoner
Harrell of Lamar	White
Hartzog	Wilson
Howard	Winfree
Howington	Wood
Hunt	Worley

Nays—72

Allen	Bradbury
Allison	Bradford
Alsup	Bridgers
Baker of Grayson	Brown of Cherokee
Blankenship	Brown
Boyd	of Nacogdoches

Cauthorn	Loggins
Chambers	London
Cornett	McAlister
Davis of Jasper	McDonald
Dickison	McFarland
Dickson	Montgomery
Donaghey	Morris
Dowell	Pevehouse
Faulkner	Piner
Ferguson	Ragsdale
Fuchs	Reader of Bexar
Gilmer	Reader of Erath
Hale	Reed
Hankamer	Rhodes
Hardeman	Riviere
Harper	Roach
Harris	Roberts
Heflin	Robinson
Holland	Russell
Hull	Smith of Frio
Isaacks	Smith of Hopkins
Johnson of Ellis	Smith
Keith	of Matagorda
Kennedy	Spencer
Kersey	Stoll
Kinard	Thornberry
King	Thornton
Lehman	Turner
Leyendecker	Weldon
Little	Wells
Lock	Wright

Absent

Boyer	Kerr
Burney	Leonard
Cleveland	Mays
Colson, Mrs.	Oliver
Dean	Schuenemann
Felty	Shell
Fielden	Skiles
Goodman	Tarwater
Hamilton	Westbrook
Harp	

Absent—Excused

Bray Daniel
Coleman

House Bill No. 410 was then passed by the following vote:

Yeas—113

Allen	Bradbury
Allison	Bradford
Alsup	Bridgers
Bailey	Brown of Cherokee
Baker	Brown
of Fort Bend	of Nacogdoches
Baker of Grayson	Bundy
Bell	Burkett
Boethel	Cauthorn
Bond	Celaya
Boyd	Clark

Cockrell	McDonald
Colson, Mrs.	McFarland
Cornett	McMurry
Crossley	McNamara
Davis of Jasper	Monkhouse
Derden	Montgomery
Dickison	Morris
Dickson	Newell
Donaghey	Nicholson
Dowell	Petsch
Dwyer	Pevehouse
Faulkner	Piner
Ferguson	Pope
Fuchs	Ragsdale
Galbreath	Reader of Bexar
Gilmer	Reader of Erath
Gordon, Mrs.	Reaves
Hale	Reed
Hankamer	Rhodes
Hardeman	Riviere
Hardin	Roach
Harp	Robinson
Harper	Russell
Harrell of Bastrop	Skiles
Harrell of Lamar	Smith of Frio
Harris	Smith of Hopkins
Hartzog	Smith
Heflin	of Matagorda
Holland	Stoll
Howard	Talbert
Hull	Taylor
Isaacks	Tennant
Johnson of Ellis	Thornberry
Johnson of Tarrant	Thornton
Keith	Turner
Kennedy	Vale
Kerr	Vint
Kersey	Voigt
Kinard	Waggoner
Langdon	Wells
Leyendecker	Westbrook
Little	White
Lock	Wilson
Loggins	Winfree
London	Wood
McAlister	Worley
McDaniel	Wright

Nays—19

Blankenship	Kern
Broadfoot	Lehman
Burney	Mohrmann
Colquitt	Pace
Corry	Roberts
Davis of Upshur	Segrist
Fielden	Spencer
Hamilton	Stinson
Howington	Weldon
Hunt	

Absent

Anderson	Chambers
Boyer	Cleveland

Dean	Mays
Felty	Oliver
Goodman	Schuenemann
King	Shell
Leonard	Tarwater

Absent—Excused

Bray	Daniel
Coleman	

Mr. Harris moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider. The motion to table prevailed.

REASON FOR VOTE

I am opposed to the creation of new boards and bureaus.

SPENCER.

SENATE BILL NO. 123 ON SECOND READING

On motion of Mr. Cauthorn, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to third reading, Senate Bill No. 123.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 123, A bill to be entitled "An Act dedicating and establishing the Big Bend National Park in Brewster County, Texas, and defining the area of said park and defining the duties and powers of the Texas State Park Board in regard thereto, and transferring certain lands belonging to the State Public School Fund to the State of Texas for park purposes only, and declaring an emergency."

The bill was read second time.

Mr. Reed offered the following amendment to the bill:

Amend Senate Bill No. 123, Section 8, by striking out all of said Section 8.

The amendment was adopted.

Mr. Stinson offered the following amendment to the bill:

Amend Senate Bill No. 123, Section 8, page 8, line 1, by inserting after the word "Texas," the following: "All oil, gas and other minerals in, on or under said land, with the right to prospect for, mine and remove such oil, gas and other minerals, subject to reasonable regulations; and."

Mr. Cauthorn moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—80

Baker	Isaacks
of Fort Bend	Johnson of Ellis
Baker of Grayson	Johnson of Tarrant
Blankenship	Keith
Boethel	Kerr
Bond	King
Boyer	Lehman
Bradbury	Leonard
Bradford	Leyendecker
Bridgers	Little
Broadfoot	Lock
Bundy	Loggins
Cauthorn	London
Celaya	McAlister
Clark	McDaniel
Cleveland	McFarland
Cockrell	Mohrmann
Cornett	Monkhouse
Corry	Montgomery
Derden	Newell
Dickison	Petsch
Dickson	Pevehouse
Donaghey	Ragsdale
Ferguson	Reaves
Fielden	Reed
Fuchs	Roach
Gilmer	Robinson
Goodman	Shell
Hamilton	Smith of Frio
Hankamer	Smith
Hardeman	of Matagorda
Harp	Talbert
Harper	Tarwater
Harrell of Bastrop	Taylor
Harrell of Lamar	Tennant
Harris	Thornton
Heflin	Turner
Howard	Vale
Howington	Vint
Hull	Waggoner
Hunt	Winfree

Nays—50

Allen	Davis of Upshur
Allison	Faulkner
Alsup	Galbreath
Bailey	Gordon, Mrs.
Bell	Hale
Boyd	Hardin
Brown of Cherokee	Holland
Burkett	Kennedy
Burney	Kern
Chambers	Kersey
Crossley	Kinard
Davis of Jasper	Langdon

McMurry	Smith of Hopkins
McNamara	Spencer
Morris	Stinson
Nicholson	Stoll
Oliver	Thornberry
Pace	Weldon
Piner	Wells
Reader of Erath	Westbrook
Rhodes	White
Riviere	Wilson
Roberts	Wood
Russell	Worley
Skiles	Wright

Present—Not Voting

Brown	Segrist
of Nacogdoches	

Absent

Anderson	Hartzog
Colquitt	Mays
Colson, Mrs.	McDonald
Dean	Pope
Dowell	Reader of Bexar
Dwyer	Schuenemann
Felty	

Absent—Excused

Bray	Daniel
Coleman	Voigt

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

Senate Bill No. 123 was then passed to third reading.

SENATE BILL NO. 123 ON THIRD READING

Mr. Cauthorn moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 123 be placed on its third reading, and final passage.

The motion prevailed by the following vote:

Yeas—117

Allen	Broadfoot
Alsup	Brown
Anderson	of Nacogdoches
Bailey	Bundy
Baker of Grayson	Burney
Bell	Cauthorn
Blankenship	Celaya
Boethel	Chambers
Bond	Clark
Boyer	Cleveland
Bradbury	Cockrell
Bradford	Colquitt
Bridgers	Cornett

Corry	London
Davis of Jasper	McAlister
Derden	McDaniel
Dickison	McFarland
Dickson	McMurry
Donaghey	McNamara
Felty	Mohrmann
Ferguson	Monkhouse
Fielden	Montgomery
Fuchs	Newell
Galbreath	Petsch
Gilmer	Pevehouse
Goodman	Piner
Gordon, Mrs.	Pope
Hale	Ragsdale
Hamilton	Reader of Erath
Hankamer	Reaves
Hardeman	Reed
Hardin	Riviere
Harp	Roach
Harper	Roberts
Harrell of Bastrop	Robinson
Harrell of Lamar	Russell
Harris	Segrist
Heflin	Shell
Holland	Skiles
Howard	Smith of Frio
Howington	Smith
Hull	of Matagorda
Hunt	Stinson
Isaacks	Stoll
Johnson of Ellis	Talbert
Johnson of Tarrant	Tarwater
Keith	Tennant
Kennedy	Thornberry
Kern	Thornton
Kerr	Turner
Kersey	Vale
Kinard	Vint
King	Voigt
Langdon	Waggoner
Lehman	Wells
Leonard	White
Leyendecker	Wilson
Little	Winfree
Lock	Worley
Loggins	

Nays—16

Allison	Oliver
Boyd	Pace
Brown of Cherokee	Rhodes
Burkett	Spencer
Crossley	Weldon
Faulkner	Westbrook
Morris	Wood
Nicholson	Wright

Absent

Baker	Dean
of Fort Bend	Dowell
Colson, Mrs.	Dwyer
Davis of Upshur	Hartzog

Mays	Schuenemann
McDonald	Smith of Hopkins
Reader of Bexar	Taylor

Absent—Excused

Bray	Daniel
Coleman	

The Speaker then laid Senate Bill No. 123 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Alsup	Heflin
Anderson	Holland
Bailey	Howington
Baker of Grayson	Hull
Bell	Hunt
Blankenship	Isaacks
Boethel	Johnson of Ellis
Bond	Johnson of Tarrant
Boyer	Keith
Bradbury	Kennedy
Bradford	Kern
Bridgers	Kerr
Broadfoot	Kersey
Brown	Kinard
of Nacogdoches	King
Bundy	Langdon
Cauthorn	Leyendecker
Celaya	Little
Chambers	Lock
Clark	Loggins
Cleveland	London
Cockrell	McAlister
Colquitt	McDaniel
Cornett	McFarland
Corry	McMurry
Davis of Jasper	McNamara
Derden	Mohrmann
Dickison	Monkhouse
Dickson	Montgomery
Donaghey	Newell
Felty	Petsch
Ferguson	Pevehouse
Fielden	Piner
Fuchs	Pope
Galbreath	Ragsdale
Gilmer	Reader of Bexar
Goodman	Reader of Erath
Gordon, Mrs.	Reaves
Hale	Reed
Hamilton	Riviere
Hankamer	Roach
Hardeman	Roberts
Hardin	Robinson
Harp	Russell
Harper	Shell
Harrell of Bastrop	Skiles
Harrell of Lamar	Smith of Frio

Smith of Hopkins	Turner
Smith	Vale
of Matagorda	Vint
Stinson	Voigt
Stoll	Waggoner
Talbert	Wells
Tarwater	White
Taylor	Wilson
Tennant	Winfree
Thornberry	Worley
Thornton	

Nays—20

Allen	Morris
Allison	Nicholson
Boyd	Oliver
Brown of Cherokee	Pace
Burkett	Rhodes
Burney	Spencer
Crossley	Weldon
Davis of Upshur	Westbrook
Faulkner	Wood
Lehman	Wright

Absent

Baker	Hartzog
of Fort Bend	Howard
Colson, Mrs.	Leonard
Dean	Mays
Dowell	McDonald
Dwyer	Schuenemann
Harris	Segrist

Absent—Excused

Bray	Daniel
Coleman	

Mr. Cauthorn moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 180 ON THIRD READING

On motion of Mr. Shell, the regular order of business was suspended, to take up, and have placed on its third reading and final passage, House Bill No. 180.

The Speaker then laid before the House, on its third reading and final passage,

H. B. No. 180, A bill to be entitled "An Act to amend Chapter 23 of the Acts of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, same being an Act entitled: 'An Act to aid the City of Rockport in constructing seawalls, breakwaters, revetments and shore protections by donating to the city

the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Aransas County, Texas, for a period of twenty (20) years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misapplication of funds raised therefrom, and to declare an emergency.' By extending the provisions of said Act for a period of forty (40) years from September 1st, 1920, and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining seawalls, breakwaters and shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing seawalls, breakwaters, revetments and shore protection to protect said City of Rockport."

The bill was read third time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 180 was then passed by the following vote:

Yeas—81

Baker	Harper
of Fort Bend	Harrell of Bastrop
Bell	Harrell of Lamar
Boethel	Hartzog
Boyer	Holland
Bradford	Howard
Broadfoot	Hull
Cauthorn	Hunt
Celaya	Johnson of Ellis
Chambers	Johnson of Tarrant
Clark	Kersey
Cleveland	Kinard
Cockrell	King
Colson, Mrs.	Lehman
Davis of Jasper	Leonard
Derden	Leyendecker
Dickson	Little
Dickson	Lock
Donaghey	Loggins
Faulkner	McAlister
Felty	McDaniel
Fielden	McMurry
Fuchs	McNamara
Galbreath	Monkhouse
Gilmer	Montgomery
Goodman	Nicholson
Gordon, Mrs.	Oliver
Hankamer	Pace
Harp	Pevehouse

Pope	Smith
Ragsdale	of Matagorda
Reader of Erath	Stoll
Reed	Tarwater
Rhodes	Taylor
Riviere	Thornberry
Roach	Thornton
Roberts	Turner
Robinson	Vale
Shell	Voigt
Smith of Frio	Wilson
Smith of Hopkins	Winfree
	Wright

Nays—45

Allen	Keith
Allison	Kennedy
Alsup	Kern
Bailey	Kerr
Baker of Grayson	Langdon
Blankenship	London
Boyd	McFarland
Bradbury	Mohrmann
Brown of Cherokee	Morris
Brown	Newell
of Nacogdoches	Petsch
Burkett	Reaves
Burney	Russell
Cornett	Segrist
Corry	Spencer
Crossley	Talbert
Davis of Upshur	Tennant
Ferguson	Vint
Hale	Waggoner
Hamilton	Weldon
Hardeman	Wells
Heflin	Wood
Isaacks	Worley

Absent

Anderson	Howington
Bond	Mays
Bridgers	McDonald
Bundy	Piner
Colquitt	Reader of Bexar
Dean	Schuenemann
Dowell	Skiles
Dwyer	Stinson
Hardin	Westbrook
Harris	White

Absent—Excused

Bray	Daniel
Coleman	

Mr. Shell moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 52 ON SECOND READING

On motion of Mr. Pope, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 52.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 52, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Third Called Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Corpus Christi in the construction of a sea wall or breakwater so as to protect said city from calamitous overflow, by donating to said city all the State ad valorem taxes, collected on property and from persons in Jim Wells, Jim Hogg, Brooks, Kleberg, Willacy and Duval Counties and by donating to said city all the State ad valorem taxes, collected on property and from persons in Nueces County not heretofore donated to the City of Corpus Christi by Act of the Thirty-fifth Legislature of Texas, known as House Bill No. 694 for a period of twenty-five (25) years, and to provide a penalty for their misapplication', by extending the provisions of said Act for a period of eight (8) years from September 1, 1946, and declaring an emergency."

The bill was read second time.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 52, by striking out all after the enacting clause, and insert the following:

"Section 1. That Chapter 138 of the Acts of the Regular Session of the Thirty-seventh Legislature be amended so as to hereafter read as follows:

Section 1. That commencing with the fiscal year beginning September 1, 1921, and ending September 1956, there be and are hereby donated and granted by the State of Texas to the City of Corpus Christi the net amounts of all State ad valorem taxes collected upon the property and from persons in Counties of Jim Wells, Jim Hogg, Brooks, Kleberg, Willacy and Duval and all the net amounts of all State ad valorem taxes collected upon the property and from persons in the County of Nueces not

heretofore donated to the City of Corpus Christi by Act of the Thirty-fifth Legislature of the State of Texas known as House Bill No. 694, including such State ad valorem taxes as may be due said Counties on the rolling stock belonging to railroad companies which shall be ascertained and apportioned to said Counties as now provided by law; provided that from and after September 1st, 1946, Three Thousand (\$3,000.00) Dollars of the assessed taxable value of all residence homesteads, as now defined by law in said above named Counties, shall be exempt from all taxation for the purposes enumerated in this Act as well as for all State purposes.

Sec. 2. At the end of each month the Collector of Taxes for Nueces, for Jim Wells, for Jim Hogg, for Brooks, for Kleberg, for Willacy, and for Duval Counties shall, on forms to be furnished by the Comptroller of Public Accounts, make itemized reports, under oath, to said Comptroller showing each and every item of State ad valorem taxes collected by them respectively, as provided for in this Act, upon property and from persons within said Counties including said rolling stock belonging to railroad companies, and accompany the same with a summarized statement showing full disposition of all such State taxes collected; each of said Collectors shall present their respective reports together with the tax receipt stubs, authorized by law to be kept, to the County Clerk with the said stubs, and if the same agree in every particular, as regards names, dates, and amounts, said Clerk shall certify to its correctness, for which examination and certificate he shall be paid by the Commissioners' Court of his county twenty-five (25c) cents for each certificate and twenty-five (25c) cents for each two hundred (200) taxpayers on said reports. The said Collectors of Jim Wells, Jim Hogg, Brooks, Kleberg, Willacy, Duval and Nueces Counties shall then immediately forward their respective reports to the City Treasurer of the City of Corpus Christi all moneys collected by them or either of them, during said month, under the provisions of this Act, from said Counties, except such amounts as are allowed by law for assessing and collecting the same, and said Col-

lector shall forward a duplicate copy of the receipts given to them respectively by the Treasurer of the City of Corpus Christi for such moneys to the Comptroller.

Sec. 3. The Treasurer of the City of Corpus Christi shall, at the end of each month, make an itemized report, under oath, to the Comptroller of Public Accounts, showing the amount of money received by him from the Collector of Taxes for said respective Counties and what disbursements, if any, have been made during said month, of such moneys.

Sec. 4. The municipal authorities of the City of Corpus Christi, shall on the first day of January of each year, cause to be made an itemized statement, under oath, and in triplicate for each county, showing the amount of money received by the City of Corpus Christi under this Act, and how, to whom, and for what purpose the same has been expended. One copy of such statement as it relates to each county, after having been audited, shall be forwarded to and filed by the County Clerk of each of said Counties as hereinafter provided, and the other to the Comptroller of Public Accounts. The said statements shall be sworn to by the Treasurer of said City of Corpus Christi and the correctness of each statement shall be certified to by a Board of Auditors, one member appointed by the Commissioners' Court of said respective Counties, who shall while auditing said statement, have before them all vouchers upon which expenditures have been made from said fund. And no item of expenditure shall be allowed or passed by said Auditors unless they have in their possession legal and proper vouchers therefor, showing compliance with this Act. And upon the completion of said audit the said report and all vouchers shall be attached together, numbered consecutively, and be by said Auditors returned to and thereafter safely kept by the County Clerks of said Counties as a part of the records of their office.

Sec. 5. The moneys herein and hereby granted and donated to the City of Corpus Christi are declared to be a trust fund, for the purpose of aiding the City of Corpus Christi in paying the interest and principal upon an issue or issues of bonds, the proceeds of which bonds are to be

used exclusively for the construction of a sea wall and sea walls, breakwater, and a tube or channel underpass or other designated passageway, fillways, and passage over fill ways, so as to protect said city and port or part thereof from calamitous overflows, and for securing and protecting such filling, tubes, channels and underpasses. The use or diversion of such moneys for any other purpose whatsoever is hereby prohibited. A violation of the provisions of this Section shall constitute a misapplication of public money, and the person or persons so offending shall be punished as provided for in Article 96 of the Penal Code of Texas.

Sec. 6. The fact that the greater portion of the business part of the City of Corpus Christi and all of the shipping district is located on the edge of Corpus Christi Bay, only a few feet above sea level and the fact that the waves are daily eroding the shore line of said Bay and destroying valuable properties, and the fact that a great number of Texas people and a great number of people living at Corpus Christi and a great number of visitors from the State of Texas, and other States are living in small houses on the bay front and located in such manner as to be wholly unprotected from gulf storms and the fact that a great number of said houses and nearly all of the boats in the shipping district of Corpus Christi were destroyed by the storm of August 18, 1916, and September 14, 1919, and the storm of 1933, and other storms, and the port of the city of Corpus Christi and the properties thereof need protection for all shipping industry, create an emergency and an imperative public necessity, that the Constitutional Rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 52, by striking out all above the enacting clause, and insert the following:

"H. B. No. 52

A BILL

To Be Entitled

An Act to amend Chapter 138 of the Acts of the Regular Session of the Thirty - seventh Legislature, the same being an Act entitled: 'An Act to aid the City of Corpus Christi in the construction of a sea wall or breakwater so as to protect said construction of a sea wall or breakwater so as to protect said city from calamitous overflow, by donating to said city all the State ad valorem taxes, collected on property and from persons in Jim Wells, Jim Hogg, Brooks, Kleberg, Willacy and Duval Counties and by donating to said city all the State ad valorem taxes, collected on property and from persons in Nueces County not heretofore donated to the City of Corpus Christi by Act of the Thirty-fifth Legislature of Texas, known as House Bill No. 694 for a period of twenty-five (25) years, and to provide a penalty for their misapplication', by extending the provisions of said Act from September 1, 1946, to September 1, 1956, and declaring an emergency."

The amendment was adopted.

House Bill No. 52 was then passed to engrossment by the following vote:

Yeas—72

Allison	Fielden
Anderson	Fuchs
Baker	Galbreath
of Fort Bend	Gilmer
Bell	Goodman
Boethel	Hankamer
Boyer	Hardin
Bradford	Harp
Broadfoot	Harper
Cauthorn	Harrell of Bastrop
Celaya	Hartzog
Chambers	Heflin
Clark	Howard
Cleveland	Hull
Cockrell	Johnson of Ellis
Colson, Mrs.	Johnson of Tarrant
Davis of Jasper	Kinard
Derden	King
Dickison	Lehman
Dwyer	Leonard
Felty	Little
Ferguson	Lock

Loggins	Riviere
McAlister	Robinson
McDaniel	Schuenemann
McMurry	Shell
McNamara	Smith of Frio
Monkhouse	Smith
Montgomery	of Matagorda
Nicholson	Tarwater
Oliver	Taylor
Pevehouse	Thornton
Pope	Turner
Ragsdale	Vale
Reader of Bexar	Wilson
Reader of Erath	Winfree
Reed	Wright

Nays—63

Allen	Kern
Bailey	Kerr
Baker of Grayson	Kersey
Bond	Langdon
Boyd	London
Bradbury	Mays
Bridgers	McFarland
Brown of Cherokee	Mohrmann
Brown	Morris
of Nacogdoches	Newell
Bundy	Pace
Burkett	Petsch
Burney	Piner
Cornett	Reaves
Corry	Roach
Crossley	Roberts
Davis of Upshur	Russell
Dickson	Segrist
Donaghey	Skiles
Dowell	Smith of Hopkins
Faulkner	Spencer
Hale	Stinson
Hamilton	Stoll
Hardeman	Talbert
Harrell of Lamar	Tennant
Harris	Thornberry
Holland	Waggoner
Howington	Weldon
Hunt	Wells
Isaacks	White
Keith	Wood
Kennedy	Worley

Absent

Alsup	Leyendecker
Blankenship	McDonald
Colquitt	Rhodes
Dean	Vint
Gordon, Mrs.	Westbrook

Absent—Excused

Bray	Daniel
Coleman	Voigt

MOTION TO PLACE HOUSE BILL NO. 52 ON THIRD READING

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 52 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—76

Allison	Howington
Anderson	Hull
Baker	Isaacks
of Fort Bend	Johnson of Ellis
Bell	Johnson of Tarrant
Blankenship	Kinard
Boethel	King
Boyer	Lehman
Bradford	Leonard
Bridgers	Little
Broadfoot	Loggins
Bundy	McAlister
Cauthorn	McMurry
Celaya	McNamara
Chambers	Monkhouse
Cleveland	Montgomery
Cockrell	Nicholson
Colson, Mrs.	Oliver
Davis of Jasper	Pope
Derden	Ragsdale
Donaghey	Reader of Bexar
Dowell	Reed
Dwyer	Rhodes
Felty	Riviere
Ferguson	Roach
Fielden	Robinson
Fuchs	Schuenemann
Galbreath	Shell
Gilmer	Smith of Frio
Goodman	Smith
Hankamer	of Matagorda
Hardin	Tarwater
Harp	Taylor
Harper	Turner
Harrell of Bastrop	Vale
Hartzog	Vint
Heflin	Wilson
Holland	Winfree
Howard	Wright

Nays—59

Allen	Brown
Bailey	of Nacogdoches
Baker of Grayson	Burkett
Bond	Burney
Boyd	Clark
Bradbury	Cornett
Brown of Cherokee	Corry

Crossley	Pace
Davis of Upshur	Petsch
Dickson	Pevehouse
Faulkner	Piner
Hale	Reader of Erath
Hamilton	Reaves
Hardeman	Roberts
Harrell of Lamar	Russell
Harris	Segrist
Hunt	Skiles
Keith	Smith of Hopkins
Kennedy	Spencer
Kern	Stinson
Kerr	Stoll
Kersey	Talbert
Langdon	Tennant
London	Thornberry
Mays	Waggoner
McDaniel	Weldon
McFarland	Wells
Mohrmann	White
Morris	Wood
Newell	Worley

Absent

Alsup	Leyendecker
Colquitt	Lock
Dean	McDonald
Dickison	Thornton
Gordon, Mrs.	Westbrook

Absent—Excused

Bray	Daniel
Coleman	Voigt

SENATE BILL NO. 89 ON PAS-
SAGE TO THIRD READING

Mr. Keith moved to suspend all necessary Rules for the purpose of taking up, and considering, at this time, Senate Bill No. 89, which bill had heretofore been postponed until next May 7.

The motion prevailed by the following vote:

Yeas—94

Anderson	Bundy
Baker	Burney
of Fort Bend	Cauthorn
Baker of Grayson	Celaya
Bell	Chambers
Boethel	Cockrell
Bond	Colson, Mrs.
Boyd	Corry
Boyer	Davis of Jasper
Bradbury	Derden
Bridgers	Dickison
Broadfoot	Donaghey
Brown of Cherokee	Dowell
Brown	Dwyer
of Nacogdoches	Faulkner

Felty	McNamara
Ferguson	Mohrmann
Fielden	Monkhouse
Fuchs	Montgomery
Galbreath	Oliver
Gilmer	Pace
Gordon, Mrs.	Petsch
Hankamer	Pope
Hardin	Ragsdale
Harp	Reader of Bexar
Harper	Reader of Erath
Harrell of Bastrop	Rhodes
Harrell of Lamar	Riviere
Heflin	Robinson
Holland	Schuenemann
Howard	Shell
Howington	Skiles
Isaacks	Smith of Frio
Johnson of Ellis	Smith
Johnson of Tarrant	of Matagorda
Keith	Spencer
Kennedy	Taylor
Kerr	Thornberry
Kinard	Thornton
King	Turner
Lehman	Vale
Little	Weldon
Lock	Wells
Loggins	Westbrook
Mays	Wilson
McDaniel	Winfree
McDonald	Worley
McFarland	Wright
McMurry	

Nays—40

Allen	London
Allison	McAlister
Alsup	Newell
Bailey	Nicholson
Blankenship	Pevehouse
Bradford	Reed
Burkett	Roach
Cornett	Roberts
Crossley	Russell
Davis of Upshur	Segrist
Dickson	Smith of Hopkins
Hale	Stinson
Hamilton	Stoll
Hardeman	Talbert
Harris	Tennant
Hull	Vint
Hunt	Voigt
Kern	Waggoner
Kersey	White
Langdon	Wood

Absent

Clark	Goodman
Cleveland	Hartzog
Colquitt	Leonard
Dean	Leyendecker

Morris Reaves
Piner Tarwater

Absent—Excused

Bray Daniel
Coleman

REASON FOR VOTE

Although opposed to State remission of taxes in principle, I voted to allow destitute East Texas Counties to bring up their tax remission bill for consideration since the Legislature has seen fit to remit the taxes to the richest county in Texas and I believe their cause to be at least as just.

SPENCER.

On motion of Mr. Wright, the regular order of business was suspended, at this time, to take up, and consider, Senate Bill No. 89.

The Speaker then laid before the House, on its passage to third reading,

S. B. No. 89, A bill to be entitled "An Act granting aid to San Jacinto, Trinity, Houston, Angelina, Sabine, San Augustine, Jasper, Tyler, Walker and Shelby Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said Counties practically fifty per cent (50%) of the land in said Counties, thereby taking off the tax rolls so much valuation that said Counties cannot operate a county government, and has caused great destruction to the roads and other improvements in said Counties, remitting, releasing, granting, and donating to said Counties, all State ad valorem taxes, etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Wright offered the following amendment to the bill:

Amend Senate Bill No. 89, by striking from line thirty-five (35), the word "released."

The amendment was adopted.

Question—Shall Senate Bill No. 89 pass to third reading?

MESSAGE FROM THE SENATE

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 448, A bill to be entitled "An Act directing the Texas State Parks Board to execute quitclaim deeds to lands situated in the Big Bend Park in Brewster County which were sold for taxes and acquired by the State for park purposes under the terms of Chapter 100, Acts of the First Called Session of the Forty-third Legislature, etc., and declaring an emergency."

The Senate has concurred in House amendments to Senate Bill No. 319, by the following vote—Yeas, 29; Nays, 0.

The Senate has refused to concur in House amendments to Senate Bill No. 135 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Moore, Nelson, Shivers, Roberts and Lemens.

The Senate has adopted Conference Committee Report on House Bill No. 95, by the following vote: Yeas, 28; Nays, 1.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 448, to the Committee on Public Lands and Buildings.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. C. R. No. 42, Recalling Senate Bill No. 70 from the Governor.

H. C. R. No. 114, Authorizing the Texas Livestock Sanitary Commission to dispose of certain fence.

H. C. R. No. 116, Authorizing certain correction in House Bill No. 84.

H. C. R. No. 115, Extending invitation to delegates of the Quadrennial

Convention to hold the next Convention in Texas.

H. B. No. 224, "An Act amending Section 6 of Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new Section to Section 6 to be known as Section 6 (f), by providing for the sale and transfer of contract carrier permits issued under the provisions of this Section of the Act by providing the method and manner of transferring said contract carrier permit, and declaring an emergency."

S. B. No. 283, "An Act to amend Chapter 196, Acts of the Forty-third Legislature, 1933, by adding a new Section thereto to be designated as Section 4a; and providing that the Governing Board of several institutions, supported in whole or in part by the State, shall cause to be collected from students registering in said schools, additional tuition for instruction in the Fine Arts Departments, Schools, or Colleges, and declaring an emergency."

S. B. No. 367, "An Act authorizing the Commissioners' Court in any county having a population of not less than 10,399, nor more than 10,499, to have traveling expenses while traveling on official business, and declaring an emergency."

S. B. No. 370, "An Act amending Article 4725 of the Revised Civil Statutes of Texas of 1925, as amended, Acts 1937, Forty-fifth Legislature, page 330, Chapter 168; designating the securities in which the funds of life insurance companies may be invested; etc., and declaring an emergency."

H. C. R. No. 118, Granting Judge J. D. Stephenson permission to be absent from the State.

H. C. R. No. 120, Relative to the Battleship Texas.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bell:

H. B. No. 1041, A bill to be entitled "An Act providing for Twenty-five (\$25.00) Dollars expenses for County Commissioners in certain counties in this State; providing mode and man-

ner of payment of such expense accounts; making this Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Bell:

H. B. No. 1042, A bill to be entitled "An Act providing for compensation for county auditor in certain counties; providing mode and manner of payment of such salary; making said Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Celaya, Mr. Leonard and Mr. Pope:

H. B. No. 1043, A bill to be entitled "An Act providing for a more adequate and equitable salary for County Superintendents of Public Instruction in all of those counties of Texas coming within the brackets and population figures herein—specifically, in all those counties having not less than seventy-seven thousand and not more than seventy-seven thousand, six hundred; and in all those counties having not less than fifty-one thousand, seven hundred seventy and not more than fifty-one thousand, eight hundred; and in all those counties having not less than twelve thousand, one hundred ninety and not more than twelve thousand two hundred; and in all counties having not less than thirteen thousand, four hundred and not more than thirteen thousand, five hundred, according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Reaves:

H. B. No. 1044, A bill to be entitled "An Act providing for the employment and compensation of a rural school supervisor in counties having a population of not less than 21,816 nor more than 21,826, according to the Federal Census of 1930; prescribing the duty and the authority of such rural school supervisor, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Cornett:

H. B. No. 1045, A bill to be entitled "An Act giving the Commissioners' Courts authority to fix the salary of the County Judge, Tax Assessor-Collector, County Clerk, District Clerk, Sheriff, and Criminal District Attorney in all counties in this State having a population of not less than thirty thousand and nine hundred (30,900) nor more than thirty-one thousand (31,000), according to the last preceding Federal Census; prescribing the minimum salary; fixing mode and manner of payment of such salaries; fixing effective date; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on Counties.

ADJOURNMENT

Mr. Anderson moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Bell moved that the House recess until 7:30 o'clock p. m., today.

The motion to adjourn prevailed, and the House, accordingly, at 5:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Banks and Banking: Senate Bill No. 265.

Judiciary: Senate Bill No. 350.

Game and Fisheries: House Bills Nos. 1005, 1025 and 1029.

Counties: House Bill No. 1030.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 118, Granting Hon. J. D. Stephenson, Judge of the 66th

Judicial District of Texas, permission to leave the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 132, A bill to be entitled "An Act making it unlawful for any attorney at law, attorney in fact, or any other person, firm, corporation, or association of persons whatsoever to charge a fee for any services of any character or kind that he might render in behalf of a person or persons who might now or at any time hereafter be eligible for any Social Security Benefits as provided by the laws of Texas and/or the United States; declaring it to be unlawful for any such attorney at law, or attorney in fact, or any other person, firm, corporation, or association of persons whatsoever to advertise, hold himself out, or solicit fees in behalf of such efforts or services; prescribing penalty for violation of the provisions of this Act; making provisions for certain organizations; repealing all laws, or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 949, A bill to be entitled "An Act providing for hospitalization and full pay for certain officials during period of injuries received while in actual discharge of their duties as such officials; defining and naming such officials; repealing all laws and parts of laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 120, Requesting that a new Battleship soon to be constructed and completed by the Federal Government be named "The Battleship Texas".

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 308, A bill to be entitled "An Act declaring the policy of the State in regard to the extension and development of free public library service in all parts of the State; providing for a Texas Library and Historical Commission of six (6) members; creating a Division of Public Libraries in the Texas State Library; stating the purpose, powers, and duties of the Commission, the State Librarian and Division Directors, and requiring annual reports including a survey of public library facilities in the State; providing for the administration of State aid to free public libraries; providing for a State Board of Library Examiners for the certification of public librarians; revising the county library laws and providing for combined county and school libraries; amending Articles 5434, 5435, 5436, 5441, 5445, 5446, 1678, 1679, 1686, 1687, and 1694 of the Revised Civil Statutes of 1925; repealing Article 1682; amending Title 89 of the Revised Civil Statutes of 1925 by adding thereto new Sections to be known as Articles 5446a and 5446b, and amending Title 35 by adding thereto a new Section to be known as Article 1694a, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 50, A bill to be entitled "An Act providing for licensing of

operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses, providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses, providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; providing for the time of expiration of licenses and for renewal of same; providing for notice to the Department of changes of address or name of licensee; providing for certain records to be kept by the Department of Public Safety; relating to the authority of the Department of Public Safety to suspend, revoke or cancel licenses; providing for time, place and manner of holding hearings before the Department of Public Safety; providing for the period of suspension by the Department; providing for the automatic suspension of licenses upon conviction of certain offenses; providing for the surrender and return of license to the Department upon suspension; providing for court to forward license to Department and report convictions and defining 'conviction' and providing that a suspended sentence shall not mitigate against automatic suspension of license on conviction of certain offenses; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; providing authority of the Department of Public Safety to suspend or revoke license and to suspend privileges of non-

residents and report convictions, and to suspend resident license upon conviction in another State; providing for the cancellation of licenses under certain conditions; providing for the right of appeal when license denied or cancelled, suspended or revoked by Department, except where such suspension or revocation is automatic; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended or revoked; and making it unlawful to commit certain other acts; providing authority of the Department of Public Safety to require accident reports and providing a penalty for failure to report; providing for forms of accident statistics and reports and making such reports confidential; providing for a penalty for violation of the Act; and providing for a maximum fine in certain instances; repealing all laws and parts of laws in conflict herewith, and particularly Senate Bill No. 15, Chapter 466, page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by House Bill No. 16, Chapter 369, page 752, Regular Session, Forty-fifth Legislature; providing a saving clause, declaring an emergency and providing the Act shall take effect from and after its passage."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 224, "An Act amending Section 6 of Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new Section to Section 6 to be known as Section 6 (f); by providing for the sale and transfer of contract carrier permits issued under the provisions of this Section of the Act; providing the method and manner of transferring said contract carrier permit, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 114, Authorizing the Texas Livestock Sanitary Commission to sell and dispose of certain fence.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 115, Extending to the delegates of the convention convening in Toronto, Canada, an invitation to hold their next Quadrennial Convention in the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 116, Instructing the Enrolling Clerk of the House to make certain corrections to House Bill No. 84.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

House Bill No. 484.

House Bill No. 978.

House Concurrent Resolution No. 114.

House Concurrent Resolution No. 115.

House Concurrent Resolution No. 116.

SIXTY-SIXTH DAY

(Tuesday, May 2, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Allison
Allen	Alsup